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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,615	12/21/2001	Gilles Rubinstenn	05725.1010-00	3934
22852	7590	12/11/2007		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER STREGE, JOHN B	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### ***Response to Arguments***

Applicant's arguments regarding the Reply Brief filed 10/04/07 have been fully considered but they are not persuasive. On page 4 of the Reply Brief the Applicant argues that the motivation identified by the Examiner for modifying Nagaishi in view of Furuta is based on the Examiner's mischaracterization of Nagaishi. The Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner does not rely upon Nagaishi to teach providing a more realistic beauty simulation but rather relies upon Furuta to teach this. Nagaishi and Furuta are analogous art because they are from the same field of endeavor of image processing for beauty consultation purposes, thus they are combinable. Thus for the reasons pointed out in the Examiner's Answer to the Appeal Brief the rejection should be sustained.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Strege whose telephone number is (571) 272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

  
JINGGE WU  
SUPERVISORY PATENT EXAMINER